

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2008-0229 – Walnut Forest Motel      **Z.A.P. DATE:** January 6, 2009

**ADDRESS:** 11506 North IH 35 Service Road Southbound

**OWNER:** Pooja Business Inc.  
(Atul Patel)

**AGENT:** Land Answers  
(Jim Wittliff)

**ZONING FROM:** GO      **TO:** GR-CO      **AREA:** 1.3154 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); bail bond services; commercial blood plasma center; outdoor sports and recreation; pawn shop services and service station, and limits development to less than 2,000 vehicle trips per day.

### **ZONING AND PLATTING COMMISSION RECOMMENDATION:**

January 6, 2009: *APPROVED GR-CO DISTRICT ZONING WITH THE CO PROHIBITING THE FOLLOWING USES: A DRIVE-THROUGH USE AS AN ACCESSORY USE, AUTOMOTIVE RENTALS, AUTOMOTIVE REPAIR SERVICES, AUTOMOTIVE SALES, AUTOMOTIVE WASHING (OF ANY TYPE), BAIL BOND SERVICES, COMMERCIAL BLOOD PLASMA CENTER, COMMERCIAL OFF-STREET PARKING, COMMUNITY RECREATION (PRIVATE), COMMUNITY RECREATION (PRIVATE), CONGREGATE LIVING, CONSUMER CONVENIENCE SERVICES, FOOD SALES, FUNERAL SERVICES, GENERAL RETAIL SALES (GENERAL), GUIDANCE SERVICES, INDOOR ENTERTAINMENT, OUTDOOR SPORTS AND RECREATION, PAWN SHOP SERVICES, RESIDENTIAL TREATMENT AND SERVICE STATION; LIMITING HEIGHT TO 35 FEET, AND LIMITING VEHICLE TRIPS TO 2,000 PER DAY.*

*[K. JACKSON; T. RABAGO – 2ND] (7-0)*

### **ISSUES:**

The Applicant has met with the Walnut Creek Neighborhood Association to discuss the proposed rezoning.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a hotel-motel use that is developed across three platted lots and is located on the southbound lanes of the IH 35 frontage road approximately mid-block between Covington Drive and Thrush Avenue. The motel, which has been in operation since 1954, was annexed into the City in December 2000, is zoned general office (GO)

district, and thus is a legal-non-conforming use. There are single family residences within the Walnut Forest subdivision to the west (SF-1), undeveloped lots zoned neighborhood commercial – conditional overlay (LR-CO) district to the north, an office, a warehouse, a restaurant equipment business and a motel to the south (LO; CS; GO). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant is proposing to make upgrades and repairs to the property including the addition of 15 rooms on the northernmost lot and is seeking the community commercial (GR) district zoning. The Applicant also proposes a Conditional Overlay to prohibit the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); bail bond services; commercial blood plasma center; outdoor sports and recreation; pawn shop services and service station.

The 1985 North Lamar Area Study included a recommendation that hotel-motel use be a permitted use in the general office (GO) district, and appears to have been a basis for both the recommended and approved zoning of the subject property. Thus, the existing hotels would have become grandfathered with GO zoning. However, at present, hotel-motel use is first permitted in the community commercial (GR) zoning district. The Staff recommends the GR-CO district as requested by the Applicant based on its location on the IH 35 frontage road, it is adjacent to commercially zoned or used properties, and it prohibits the more intensive commercial uses in recognition of the adjacent single family residential neighborhood to the west.

#### **EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GO	Motel
<i>North</i>	LR-CO; LR	Undeveloped; Vacant commercial building (please refer to Case Histories for pending rezoning case); Appliance repair
<i>South</i>	LO; CS; GO	Office; Warehouse; Restaurant equipment; Pawn shop; Service station
<i>East</i>	N/A	Southbound lanes of IH 35 frontage road
<i>West</i>	SF-1	Single family residences

**AREA STUDY:** North Lamar Area Study (1985)

**TIA:** Is not required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

#### **NEIGHBORHOOD ORGANIZATIONS:**

51 – Northeast Walnut Creek Neighborhood Association

64 – River Oaks Lakes Estates Neighborhood

85 – Walnut Creek Neighborhood Association, Inc.

114 – North Growth Corridor Alliance  
 480 – Scofield Farms Residents Association  
 511 – Austin Neighborhoods Council      627 – Onion Creek Homeowners Association  
 742 – Austin Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Organization      1048 – Austin Northwest Association  
 1075 – League of Bicycling Voters      1113 – Austin Parks Foundation

### **SCHOOLS:**

Walnut Creek Elementary School      Dobie Middle School      Lanier High School

### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2008-0214 – Tex Tar Waterproofing – 10600 N IH 35 Service Road Southbound	LR to LI	Scheduled for ZAP 1-6-09	Pending
C14-05-0085 – Powers 20 – 11520 North IH 35 Service Road Southbound	GO to CS	To Grant LR-CO	Approved LR-CO with CO for 2,000 trips, and list of prohibited uses: college & university facilities; community recreation (private & public); congregate living; consumer repair, financial services, guidance services; hospital services (limited); off-site accessory parking; printing & publishing; private secondary educational facilities; residential treatment; service station (11-2-06).
C14-88-0138 – Texaco – 11300 IH 35 North	LR to GR	To Grant with Conditional Overlay.	Approved GR-CO with CO for LR uses, LR site development regulations, except front and street side setbacks are limited to

			10' (1-26-89).
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**RELATED CASES:**

The property was annexed into the City limits on December 31, 2000. The property is platted as Lots 10-12 of Walnut Forest, a subdivision recorded in August 1959 (C8-53-001). Please refer to Exhibit B.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Bus Routes
IH 35 Service Road Southbound	Varies	32 feet	Freeway	No	No	No

**CITY COUNCIL DATE:** February 12, 2009

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

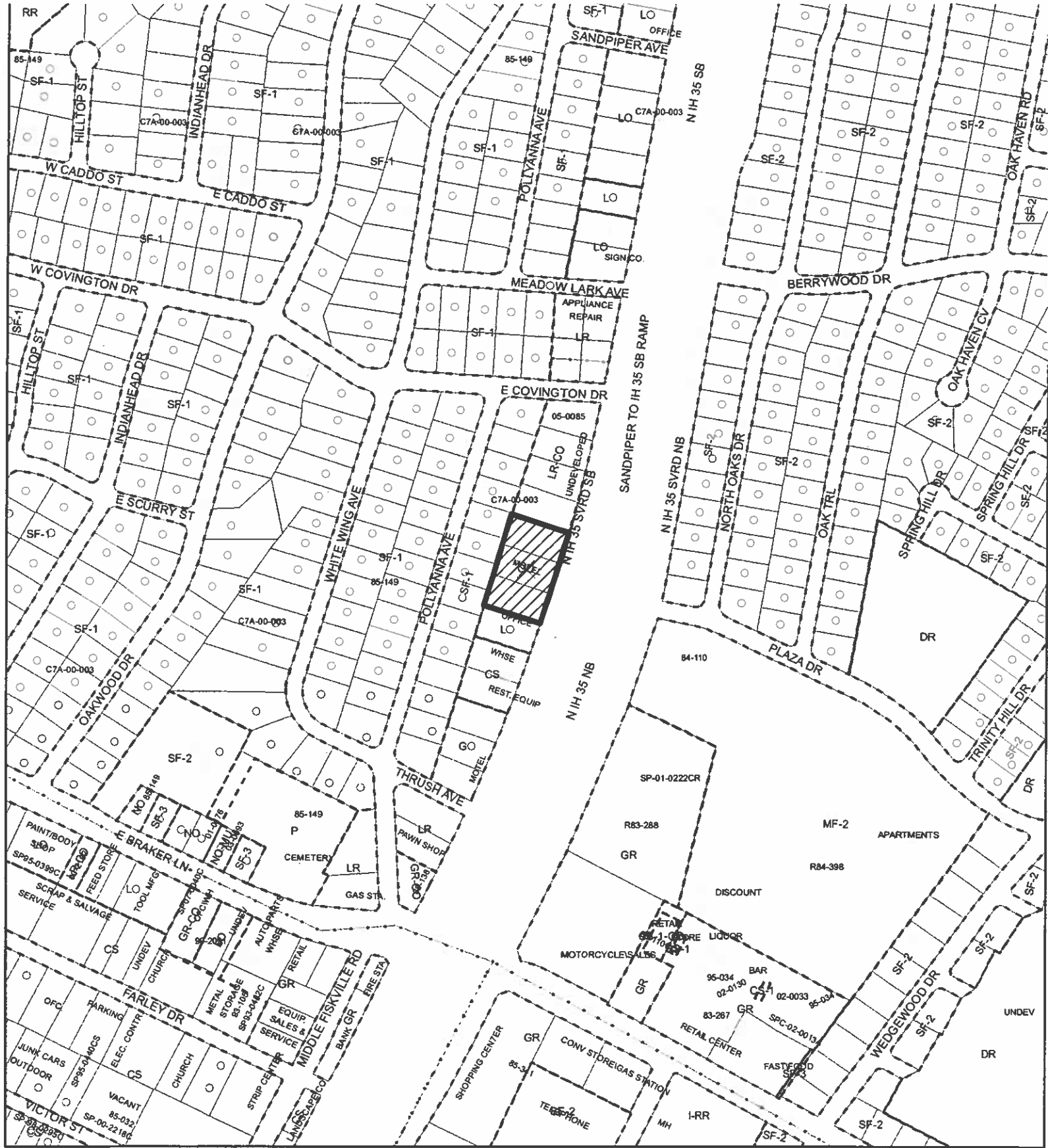
2<sup>nd</sup>




3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@ci.austin.tx.us

**PHONE:** 974-7719



-  **SUBJECT TRACT**
-  **ZONING BOUNDARY**
-  **PENDING CASE**

OPERATOR: S. MEEKS

### ZONING

ZONING CASE#: C14-2008-0229  
 ADDRESS: 11506 N IH 35 SVRD SB  
 SUBJECT AREA: 1.3154 ACRES  
 GRID: M32  
 MANAGER: W. RHOADES

**Exhibit A**



1" = 400'

This map has been produced by G.I.S. Services for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





OAKWOOD

CURRY

GOODY WING

WHITE WING

POLLYANNA AVE

REST EQUIP

PLANT 002 CR

PLANT 003 CR

PLANT 004 CR

N IH 35 NB TO BERRYMAN

SANDPiper TO IH 35

North Oaks

OAK

LAZA

EXHIBIT





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The Staff recommendation is to grant community commercial – conditional overlay (GR-CO) combining district zoning. The Conditional Overlay prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); bail bond services; commercial blood plasma center; outdoor sports and recreation; pawn shop services and service station, and limits development to less than 2,000 vehicle trips per day.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

The Staff recommends the GR-CO district as requested by the Applicant based on its location on the IH 35 frontage road, it is adjacent to commercially zoned or used properties, and it prohibits the more intensive commercial uses in recognition of the adjacent single family residential neighborhood to the west.

**EXISTING CONDITIONS****Site Characteristics**

The subject property is developed with a motel and drains to the east, towards the IH-35 frontage road. The natural vegetation in this area is grassland with scattered stands of Live Oak trees.

**Impervious Cover**

The maximum impervious cover allowed by the *GR zoning district* is 80%, which is based on the more restrictive watershed regulations.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:



<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed for IH 35 at this time.

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Site Plan and Compatibility Standards**

This tract is already developed and the proposed zoning change is to accommodate the existing and proposed development.

Site plans will be required for any new development other than single-family or duplex residential.

Any development which occurs in an SF-6 or less restrictive zoning district which is across the street from, adjoining or located 540-feet or less from property zoned SF-5 or more restrictive, or on which a use permitted in an SF-5 or more restrictive zoning district is located will be subject to compatibility development regulations.

The site is subject to compatibility standards. Along the rear property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- A landscape area at least 25 feet wide is required along the property line. In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

*Additional design regulations will be enforced at the time a site plan is submitted.*

- For a structure more than 100 feet but not more than 300 feet from property zoned SF-5 or more restrictive, 40 feet plus one foot for each 10 feet of distance in excess of 100 feet from the property zoned SF-5 or more restrictive.
- An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from adjoining SF-3 property.
- No parking or driveways are allowed within 25 feet of the property line
- A landscape area at least 15 feet in width is required along the property line if tract is zoned MF-3, MF-4, MF-5, MH, NO, or LO.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.
- A landscape area at least 25 feet in width is required along the property line if the tract is zoned LR, GO, GR, L, CS, CS-1, or CH.

December 5, 2008

Wendy Rhoades, Case Manager  
City of Austin, NP&Z  
P.O. Box 1088  
Austin, TX. 78767

**RE: Walnut Forest Motel, 11506 N. IH 35 Proposed GR-CO Rezoning**

Dear Wendy:

As we discussed by telephone yesterday, I am requesting GR-CO rezoning for the Walnut Forest Motel. Although this motel has existed on the site since 1954, its current zoning is GO, which does not allow a motel use. The motel recently decommissioned its septic system and hooked onto the City of Austin's collective wastewater system. This was done as part of the owner's plan to upgrade and modernize the facility. As part of this upgrade, the property owner wishes to expand the motel onto the northernmost third of the property (which was previously the septic area), by adding approximately 15 rooms. I am aware of the concerns about "flophouse motels," but I feel the Walnut Forest Motel has never fallen into that category. Certainly, if the property is modernized and expanded, it is even less likely to degenerate into an undesirable facility.

In order to verify the owner's commitment to upgrading his property, attached are the receipts and records which show that over \$59,000 has recently been spent to upgrade, repair and modernize the property. In addition, the owner has installed security cameras and has taken over the daily management of the facility himself, to assure that his standards are met.

We are proposing to prohibit the following land uses:

Auto Rentals  
Auto Repair Services  
Auto Sales  
Auto Washing  
Bail Bond Services  
Commercial Blood Plasma Center  
Outdoor Sports & Recreation

Pawn Shop Services  
Service Station

We will also limit vehicle trips to less than 2,000 per day.

Thank you,



Jim Wittliff  
Attachment



## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2008-0229

Contact: Wendy Rhoades, (512) 974-7719

Public Hearing:

January 6, 2009 Zoning and Platting Commission

February 12, 2009 City Council

☒ I am in favor  
☐ I object

Textar waterproofing, inc

Your Name (please print)

1100 W IH 35 Austin TX 78753

Your address(es) affected by this application

Julie Burg

Signature

12/30/08

Date

Comments:

We are businesses that face IH35. Need changes to increase more employment & value to businesses. Homes. Also provide more tax property to the City of Austin.

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number:** C14-2008-0229

**Contact:** Wendy Rhoades, (512) 974-7719

**Public Hearing:**

January 6, 2009 Zoning and Platting Commission

February 12, 2009 City Council

☐ I am in favor  
☒ I object

CARY CLAUDT

Your Name (please print)

11405 N IH 35 AUSTIN, TX 787532

Your address(es) affected by this application

JAN 5 2009

Date

Signature

Comments:

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Wendy Rhoades}

P. O. Box 1088

Austin, TX 78767-8810